

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN EXPRESS MARKETING &
DEVELOPMENT CORP.
(a Delaware corporation),
AMERICAN EXPRESS COMPANY
(a New York corporation)

Plaintiffs,

v.

JAMES HAROLD SPURLIN (an individual),

Defendant.

PLEASE TAKE NOTICE that upon the annexed declarations of Louis Smith and Marc Groves, declared on March 14, 2008, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion, and the pleadings herein, Plaintiffs American Express Marketing and Development Corporation and American Express Company (collectively “American Express”) will move this Court, before the Honorable Naomi Reice Buchwald, United States District Judge, for a default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rule 55.2(b) and for a permanent injunction pursuant to 15 U.S.C. §§ 1116 and 1125 against Defendant James Harold Spurlin consistent with the accompanying proposed form of Default Judgment and Permanent Injunction.

Dated: New York, NY
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